

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land – Krishna District – Revision Petition filed by Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao, R/o Poranki Village, Penamaluru Mandal against Proceedings of the Joint Collector, Krishna District dated 12.01.2009 in respect of the land in R.S.No.230/1A to 230/1K to an extent of Ac.2.98 cts. of Poranki village, Penamaluru - Heard the case – R.P. Disposed - Orders - Issued.

REVENUE (ASSN.II) DEPARTMENT

G.O.Ms.No. 1690

Dated: 05.09.2011.

Read the following:-

1. Proceedings of the Tahsildar, Penamaluru, Krishna District Rc.No. 677/ 2006, dt.26.06.2007.
2. Proceedings of the Sub-Collector, Vijayawada, Krishna District in D.Dis No. Rc.A10/1873/2007, dt.19.01.2008.
3. Proceedings of the Joint Collector, Krishna District in D.Dis No. E.3/1942/ 2008, dt.12.01.2009.
4. Revision Petition and Stay Petition of Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao, R/o Poranki (V), Penamaluru (M), Krishna District, dt. 2.3.2010.
5. Govt. Memo. No.18349/Assn.II (2)/2010-2, dated 22.07.2010.
6. From the District Collector, Krishna, Lr. No.Rc.E3.1729/2010, dt. 20.08.2010.
7. Orders of the High Court of A.P., Hyderabad in W.P. No. 12043/2009, dt.16.03.2010.
8. Govt. Memo. No.18349/Assn.II (2)/2010-4, dt. 13.07.2011 and 01.08.2011.

ORDER:

In the reference 1st read above, the Tahsildar, Penamaluru, Krishna District has stated that during the course of verification of assigned lands in Poranki village, it was found that an extent of Ac.2.98 cts. in R.S.No.230/1 (sub-divisions 230/1A to 230/1K) Poranki (vi), which was originally assigned to Smt. Akunuri Rattamma and (10) others is found to have been in occupation of the said assigned lands by Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao in contravention of the provisions of sub-section (2) of section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act. 1977. Accordingly, the Tahsildar, Penamaluru, has resumed the land after following the due procedure.

2. In the reference 2nd read above, the Sub-Collector, Vijayawada, Krishna District has stated that, the appeal filed by Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao was examined and found that it is clearly established that the appellants are in illegal occupation of the assigned land by way of sale contravening the provisions of the Act 9 of 1977, hence the appeal was dismissed.

3. On the appeal filed by Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao, before the Joint Collector, Krishna District against the orders passed by the Sub-Collector, Vijayawada, for dismissing the appeal and the Tahsildar, Penamaluru for resuming the land to an extent of Ac.2.98 cts in R.S.No.230/1A to 230/1K of Poranki (v), Penamaluru Mandal, the Joint Collector, Krishna District in his Proceedings 3rd read above has observed that

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the appellant Sri Mukkamala Prasad Chowdary, has stated that the land in R.S.No.230/1A to 230/1K measuring an extent of Ac.2.98 cts. of Poranki village, Penamaluru Mandal, Krishna District is private land and it belongs to the vendors. The land covered by the suit in O.S. No.14/1903 is in R.S. No.261, but the present land is in R.S.No.230/1A to 230/1K. As the suit is related to 1903, further survey might have taken place after 1903. But the appellant could not produce any document that correlates the present R.S. Nos. to the old survey Nos. As per the Revenue records the land is recorded as Government land and it was assigned in favour of persons i.e., Smt. Akunuri Rattamma and other (10) persons under Rules that govern assignment of Govt. land to the land less poor. If it is really patta land he would have not remained silent. But it was recorded as Govt. land during survey taken up later on. In view of these facts, the land involved in R.S.No.230/1A to 230/1K measuring an extent of Ac.2.98 cts. of Poranki village, Penamaluru Mandal, Krishna District is assigned land and hence it is not at all warranted to interfere with the orders of the Sub-Collector, Krishna District issued in Proceedings D.Dis Rc.A.10/1873/2007, dt.19.01.2008 and the Proceedings of the Tahsildar Penamaluru, Krishna District issued in Rc.No.A/677/06, dt..26.06.2007 and finally appeal was dismissed.

4. Aggrieved by the orders of the Joint Collector, Krishna District in D.Dis. No.E.3/1942/2008, dt.12.01.2009, Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao, R/o Poranki Village, Penamaluru Mandal, Krishna District in the reference 4th read above, have filed Revision Petition and stay petition through their Counsel before the Govt. under Section 4(B) 1 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 to set aside and stay the operation of the Proceedings of the Joint Collector, Krishna District in D.Dis. No.E.3/1942/2008, dt.12.01.2009 in respect of the land in R.S.No.230/1A to 230/1K measuring an extent of Ac.2.98 cts. of Poranki village, Penamaluru Mandal, Krishna District.

5. Government, after perusal of the original record and going through the contents in the Revision Petition filed by Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao, and Sri Mukkamala Chandra Rao, S/o. Late Sri Seshagiri Rao, R/o Poranki Village, Penamaluru Mandal, Krishna District have admitted the revision petition and accordingly notices were issued to the revision petitioners and the District Collector, Krishna to attend the hearings in the reference 6th read above. The case was finally heard on 24.08.2011. Both the parties have presented their arguments.

6. After hearing the Revision Petitioners' version it is concluded that this grievance should have been addressed by the Joint Collector, Krishna District. However, the Revision Petition is hereby disposed with a direction to the District Collector, Krishna that the case be remanded back to the Joint Collector, Krishna to cause a detailed enquiry as to how the R.S.No.230/1A to 230/1K is correlated to the old survey No.261, and to take a decision as per rules. The speaking order at the Joint Collector's level should contain the clarification as to the points raised by the petitioner before coming to logical conclusion.

7. The District Collector, Krishna shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

- 1) The District Collector, Krishna at Machilipatnam.
- 2) The Joint Collector, Krishna District.
- 3) The Tahsildar, Penamaluru Mandal, Krishna District.

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- 4) Sri Mukkamala Prasad Chowdary, S/o Late Sri Seshagiri Rao,
R/o. Poranki Village, Penamaluru Mandal, Krishna District
through the Tahsildar, Penamaluru Mandal.
- 5) Sri Mukkamala Chandra Rao, Rep. by his G.P.A. Holder Siva Parvathi,
W/o. Late Sri Seshagiri Rao, R/o Poranki Village, Penamaluru Mandal,
Krishna District through the Tahsildar, Penamaluru Mandal.
- 6) Sri Narasimha Rao Gudiseva, Advocate,
H.No. 2-2-185/55/A, Somasunder Nagar, Near Ayyappa Swamy Temple,
Bagh Amberpet, Hyderabad-13.

// FORWARDED:: BY ORDER //

SECTION OFFICER